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**FISCAL IMPACT STATEMENT**

**LS 6342**

**BILL NUMBER:** SB 196

**NOTE PREPARED:** Dec 8, 2011

**BILL AMENDED:**

**SUBJECT:** Downloading of Cell Phone Information by Police.

**FIRST AUTHOR:** Sen. Waltz

**BILL STATUS:** As Introduced

**FIRST SPONSOR:**

**FUNDS AFFECTED:**     **GENERAL**  
                              **DEDICATED**  
                              **FEDERAL**

**IMPACT:** No Fiscal Impact

**Summary of Legislation:** This bill has the following provisions:

- A. It prohibits a police officer from extracting or otherwise downloading information from a telecommunications device and retaining it as evidence pending trial for a violation of the law concerning typing, transmitting, or reading a text message while operating a motor vehicle unless: (1) the police officer has probable cause to believe that the telecommunications device has been used in the commission of a crime; or (2) the information is extracted or otherwise downloaded under a valid search warrant.
- B. It provides that if a law enforcement officer detains a person because the law enforcement officer believes the person has committed an infraction or ordinance violation, the law enforcement officer may not extract or otherwise download information from a cellular telephone or another wireless or cellular communications device possessed by the person at the time the person is detained unless: (1) the law enforcement officer has probable cause to believe that the cellular telephone or other wireless or cellular communications device has been used in the commission of a crime; or (2) the information is extracted or otherwise downloaded under a valid search warrant.

**Effective Date:** July 1, 2012.

**Explanation of State Expenditures:**

**Explanation of State Revenues:**

**Explanation of Local Expenditures:**

**Explanation of Local Revenues:**

**State Agencies Affected:**

**Local Agencies Affected:**

**Information Sources:**

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